

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, NOVEMBER 20, 2014**

PRESENT: Peter F. Murphy, Springfield District  
Frank A. de la Fe, Hunter Mill District  
Janet R. Hall, Mason District  
James R. Hart, Commissioner At-Large  
Ellen J. Hurley, Braddock District  
John C. Ulfelder, Dranesville District  
Earl L. Flanagan, Mount Vernon District  
Kenneth A. Lawrence, Providence District  
John L. Litzenberger, Jr., Sully District  
Janyce N. Hedetniemi, Commissioner At-Large  
Timothy J. Sargeant, Commissioner At-Large

ABSENT: James T. Migliaccio, Lee District

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The meeting was called to order at 8:18 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

On behalf of the Planning Commission, Chairman Murphy wished everyone a safe and happy Thanksgiving holiday. He also commended County staff and the Channel 16 crew for their work.

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Commissioner Flanagan stated that the applicant for RZ 2012-MV-015 had requested that the decision be further deferred to allow additional time to incorporate changes to the proffers requested by staff and the South County Federation; therefore, he MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR RZ 2012-MV-015, MCSHAY COMMUNITIES INC., TO A DATE CERTAIN OF DECEMBER 3, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Sargeant seconded the motion, which carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.

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Commissioner Flanagan said that Mount Vernon District Supervisor Gerald Hyland had convened a Working Group on Thursday, October 30<sup>th</sup>, 2014 to consider several concurrent applications proposed by Vulcan Construction Materials, LP and the Fairfax County Water

Authority. He then pointed out that this Working Group consisted of representatives from the applicants, County staff, the Fairfax County Park Authority, neighboring residents, and the South County Federation. He added that this Working Group had met twice and a third meeting was scheduled for Monday, December 1, 2014, adding that additional meetings might be necessary. Consequently, Commissioner Flanagan stated that Supervisor Hyland had requested that the public hearing for these applications be deferred and the applicant agreed; therefore, HE MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING FOR RZ 2013-MV-015, PCA 1998-MV-032, PCA 1998-MV-033, AND SEA 81-V-017-02, VULCAN CONSTRUCTION MATERIALS, LP AND THE FAIRFAX COUNTY WATER AUTHORITY, TO A DATE CERTAIN OF THURSDAY, FEBRUARY 12, 2015.

Commissioner Sargeant seconded the motion, which carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.

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Commissioner Lawrence said that the applicant for SE 2014-PR-001 had requested that the public hearing be deferred; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2014-PR-001, 7799 LEESBURG PIKE, LLLP C/O LERNER ENTERPRISES, TO AN INDEFINITE DATE.

Commissioner de la Fe seconded the motion, which carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.

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Commissioner Hurley said that the applicant for SE 2014-BR-039 required additional time to resolve an administrative issue; therefore, she MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2014-BR-039, RATI KC D/B/A MRS. RATI'S FAMILY HOME DAYCARE, TO AN INDEFINITE DATE.

Commissioner Sargeant seconded the motion, which carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.

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Commissioner Hall stated that the Mason District Land Use Committee had not made a recommendation on SE 2014-MA-015; therefore, she MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR SE 2014-MA-015, SE 2014-MA-015, AFGHAN ACADEMY INC., TO A DATE CERTAIN OF WEDNESDAY, DECEMBER 3, 2014.

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.

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MINUTES APPROVAL FOR MAY 2014/JUNE 2014

Commissioner Hall: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION MINUTES FOR MAY AND JUNE, 2014 BE APPROVED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to approve the minutes, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Hall: Thank you, Mr. Chairman.

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(The motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

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FS-H14-21 – VERIZON WIRELESS, 11922 Freedom Drive

Commissioner de la Fe: Thank you, Mr. Chairman. I have a “feature shown.” It is FS-H14-21, Verizon Wireless – located at 11922 Freedom Drive. This is at the – one of the – top of the – one of the garages of Reston Town Center. And THE DIRECTOR OF PLANNING AND ZONING HAS DETERMINED THAT THE MICRO CELL ANTENNA INSTALLATION PROPOSED BY VERIZON WIRELESS, LOCATED ON THE EASTERN FAÇADE AND ROOFTOP OF THE EXISTING FOUNTAIN GARAGE ALONG FOUNTAIN DRIVE IN RESTON TOWN CENTER, IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED. AND I RECOMMEND THAT THE PLANNING COMMISSION CONCUR WITH THAT DETERMINATION.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to concur with the “feature shown” determination in FS-H14-21, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

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RZ 2014-BR-001 – BLAGOJ SKANDEV (SD HOMES, LLC) (Decision Only)

(The public hearing on this application was held on November 13, 2014.)

Commissioner Hurley: Thank you, Mr. Chairman. This is regarding case RZ 2014-BR-001 – the Skandev (SD Homes, LLC). On the face of it, this is a simple case of a landowner wishing to build a house for himself and another for his brother-in-law at 2.06 dwelling units per acre. This rezoning comes in at the very low end at the Comprehensive Plan recommendation of two to three dwelling units per acre. As I stated when I moved to defer this case, site visits were conducted this week to assess the adequacy of the proposed tree protection measures and the limits of clearing and grading. In brief, the limits of clearing and grading have been expanded to avoid impacting any of the trees in the neighbor's back yards. However, the Urban Forester noted that most, if not all, of the off-site trees that within or near the sanitary easement will have to be removed. The applicant who owns the very few trees that might be left standing – also be taken down. And the applicant has agreed to do so. Proffered restoration of the area include backfilling of the trench, replacement of a trench, re-sodding lawns, mulching of planting areas, and replacing shrubbery. The applicant is to be commended for plugging his way through all the specifics that he needed to meet and, in particular, the many regulations regarding transportation improvements, tree preservation, and stormwater management. I also commend the many members of the County staff who has helped shepherd this case through. In this – Braddock's third infill case in as many weeks – the Braddock Land Use Committee has again put in many hours and represented well the concerns of our community. Putting all these stakeholders and performing her usual magic has been Rosemary Ryan from Supervisor John Cook's staff. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-BR-001, SUBJECT TO THE EXECUTION OF PROFFERS DATED 20 NOVEMBER, 2014.

Commissioner Hedetniemi: Seconded.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-BR-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman-

Commissioner de la Fe: I abstain.

Chairman Murphy: Okay, Mr. de la Fe abstains.

Commissioner de la Fe: Not present for the public-

Commissioner Sargeant: Also abstain. Not present for the public hearing.

Chairman Murphy: Not present for the public hearing. Mr. Sargeant abstains – same reason, okay.

Commissioner Hurley: I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING:

- WAIVER OF THE LOCATION REQUIREMENTS OF BIO-RETENTION FACILITIES, PURSUANT TO SECTION 6-1307 OF THE PUBLIC FACILITIES MANUAL TO ALLOW INFILTRATION TRENCHES TO BE LOCATED ON INDIVIDUAL LOTS, PROVIDED THAT A PRIVATE MAINTENANCE AGREEMENT IN FORM ACCEPTABLE TO THE COUNTY ATTORNEY'S OFFICE IS COMPLETED FOR EACH LOT; AND
- DEVIATION OF THE TREE PRESERVATION TARGET, PURSUANT TO SECTION 12-0508 OF THE PUBLIC FACILITIES MANUAL, IN FAVOR OF THE ALTERNATIVES, AS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners de la Fe and Sargeant: Abstain.

Chairman Murphy: Same abstentions.

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(Each motion carried by a vote of 9-0-2. Commissioners de la Fe and Sargeant abstained. Commissioner Migliaccio was absent from the meeting.)

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SE 2014-SU-016 – MAI-HUONG THI NGUYEN/HELEN HOME DAYCARE, LLC  
(Decision Only) (The public hearing on this application was held on November 13, 2014.)

Commissioner Litzenberger: Thank you, Mr. Chairman. I would like staff to please give me an update on the Helen Home Daycare that was deferred till tonight.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning: Thank you. I'm Michael Lynskey from the Department of Planning and Zoning. And this case had public hearing last week for a home daycare in the Chantilly area and there was some question as to whether the rear deck was permitted and I was able to locate a valid permit for that deck from 1987. And it seems to have been correctly inspected at the time so I believe that all of the – all the Zoning Ordinance requirements are in order and we still support that application. And also there is some – couple of just really minor condition changes. Those are pretty much to bring these conditions in line with all the other cases we're doing right now. We're trying to standardize some of the development conditions so we revised the wording of a couple of those. And they're now dated November 17<sup>th</sup> and those were distributed to you all via email a couple of days ago and also tonight to make sure you have those. And the applicant confirmed last week that he agreed with those development conditions and has sent me an email that he agrees with the changes to the new conditions. So I didn't ask him to come here tonight, but he – via email – he has affirmed his agreement with those conditions and I have given that to the clerk so we can get that in the record.

Commissioner Litzenberger: Thank you, Mr. Lynskey. I'm ready to move, Mr. Chairman. I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-SU-016, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 17<sup>TH</sup>, 2014.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-016, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Abstain.

Commissioner Sargeant: Mr. Chairman – abstain. Not present.

Chairman Murphy: Same abstentions as in the last application.

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(The motion carried by a vote of 9-0-2. Commissioners de la Fe and Sargeant abstained. Commissioner Migliaccio was absent from the meeting.)

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PA 2013-III-FC1(A) AND PA S13-III-FC1 – COMPREHENSIVE PLAN AMENDMENT  
(FAIRFAX CENTER AREA SUBURBAN CENTER PHASE I) (Decisions Only)

Commissioner Murphy: Thank you very much. I do have a decision only on the Plan Amendments related to the Fairfax Forward effort in the 50/66 Fairfax Center Area. Before I go into the motion, I just want to clarify – and I believe everyone in the Commission received a copy of this motion, either by email or – we had hardcopy tonight. I do want to make one point to clarify something that was brought up at the public hearing. When some folks were asked by I believe it was by Mr. Flanagan – did you know about what was going on here? And there were a lot of shaking heads, “No we hadn’t heard about it.” There was a very comprehensive program, if you will, to alert as many people as possible as to what’s going on – what was going on with these Plan Amendments. And you never tell everybody. There’s always someone who hasn’t heard. But in this particular case, I want to enter into the record the list of people and homeowners associations and the like that were notified by the staff. It’s called, “Adjacent Property Owner Civic Associations, Adjacent Jurisdictions, And Military Installations/Airports List,” for Plan Amendments in this area. And I can tell you – I’m not going read all of them. I’m not going to tell you how many there are, but they’re all there. And that was done in August of 2014 once the parcels were identified. The same thing goes for what we did in the Springfield District – Marlae Shnare at Supervisor Herrity’s office – in August, alerted over 80 homeowners associations or individuals in the two subject areas that are in the Springfield District Land Bays, S1 and M2. Was everybody notified? I really don’t know. But a lot of people were notified of this and you never notify everybody. We have an application coming up and it was suggested that we notify 50,000 people in the Springfield District that this application was coming to public hearing – nothing we’re doing tonight, this is in the future, it’s a December public hearing. And if we have the resources and the manpower to notify 50,000 people in the district, there would be 50,004 that were interested in it and four would be left out. I guarantee you. It’s the best process we have, but it’s not fool-proof. But I’m confident that there were – most of the people in the area were notified about what’s going on. Because, quite frankly, they were all here at the public hearing. Mr. Chairman, I will have three motions tonight regarding Plan Amendments 2013-III-FC1(A) and S13-III-FC1. Plan Amendments 2003 – 2013-III-FC1(A) and S13-III-FC1 comprise the first phase of the Fairfax Center Area study, evaluating the Plan guidance for the peripheral suburban neighborhoods and low-density residential areas. While the second phase of the study will evaluate the Suburban Center portion of the overall area-wide guidance, this phase has provided an opportunity to examine current recommendations for the edge areas to ensure the Comprehensive Plan remains accurate and relevant. Primary, in this evaluation, has been the analysis of Plan guidance for existing zoned commercial uses along the Route 29 corridor. Within the Fairfax Center Area, the Route 29 corridor generally extends from the City of Fairfax to Stringfellow Road across two magisterial districts, Braddock and Springfield. My first two motions relate to the proposed land use changes along the corridor while my final motion addresses general editorial corrections for the entire Phase I study area. The first – we’re going to look at the Braddock District and Ms. Hurley has agreed that I would go through the motion, I’ll call for comments after I make the motion. The Braddock District Working Group recommended that options be added to Subunits U1 and V1, located on the south side of Route 29 near the City of Fairfax. The options would encourage redevelopment that would be compatible to the adjacent residential communities. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE LAND USE CHANGES BE ADOPTED IN SUBUNITS U1 AND V1 ASSOCIATED WITH PLAN

AMENDMENTS 2013-III-FC1(A) AND S13-III-FC1, SHOWN ON PAGES 45 AND 46 OF THE STAFF REPORT.

Commissioner Hedetniemi: Second.

Commissioner Hurley: Second the motion.

Commissioner Murphy: Is there a-

Vice Chairman de la Fe: Seconded by Ms. Hurley and Ms. Hedetniemi. Is there any discussion?

Commissioner Flanagan: Well – Mr. Chairman.

Vice Chairman de la Fe: Mr. Flanagan.

Commissioner Flanagan: I just would want to comment upon my apparent – apparently being startled at the public hearing by the fact that there were people who hadn't been – received notification about their land being re-planned. My only experience in Fairfax County is through the APR process where everybody whose land is being nominated for a different land use is – received a certified letter in the mail that their land was about to be – is up for consideration for being re-planned. That seems to have disappeared from our current process – you know, the people who own land can be possibly no longer receiving notice, as they did in the APR process. So I was – this particular application being our first experience with Fairfax Forward, I thought we had – I really wasn't prepared to hear that testimony. But I understand that there are different ways of doing things and evidentially this is going to be one of the things that's going to be a pattern that will reoccur in the Fairfax Forward process.

Vice Chairman de la Fe: Okay, thank you. Any further comments? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, regarding the portion of Route 29 within the Springfield District, the staff recommendation would add residential options for Sub-Units M2 and S1 – generally located east of the intersection of Route 29 and Willowmeade Drive. After additional community outreach, the Springfield Working Group recommended that the current Plan guidance for Sub-Unit M2 be retained without an added option. For Sub-Unit S1, the working group recommended the option be added, but the condition regarding access via Tractor Lane be removed. Due to community concerns that were raised, I believe the current Plan guidance should be retained for both sub-units. A concept proposed for an assisted living facility in Sub-Unit S1 may warrant further analysis in the future. Therefore, Mr. Chairman, for my second motion, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE LAND USE RECOMMENDATIONS BE RETAINED FOR SUB-UNITS M2 AND S1 ASSOCIATED WITH PLAN AMENDMENTS 2013-III-FC1(A)



AND S13-III-FC1, AS SHOWN ON PAGES 3 AND 4 OF MY HANDOUT DATED NOVEMBER 20, 2014.

Commissioners Flanagan and Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Mr. Litzenberger and Mr. Flanagan. Any discussion?

Commissioner Murphy: Mr. Chairman, just a couple words – first on both the Braddock District and the Springfield District. Ms. Hurley and I want to thank the two Working Group Chairman in the Working Groups that worked hard on these application – Jeff Saxe with Springfield and Vince Picciano – and they both testified at the public hearing from the Braddock District. I also want to thank all those folks in the Springfield District who testified at our public hearing. This is not the time, place, or venue to change the Plan in this area. I’m convinced of that. But I asked everyone who testified on the Springfield nominations if they – if their position was to retain the plan. And the answer was “yes.” So I want to call to their attention the fact that this land is still planned one to two dwelling units per acre. And it may not be next week or next month or next year or 2016, but somewhere in the future – someone is going to file a Rezoning application for the property on either the south side or the north side of Lee Highway in M2 or S1. And the Plan has allowed one to two dwelling units per acre so there is a possibility that the residential development in that area may increase. That is in the Plan that the citizens wanted retained. And I want to add one other comment. The evaluation and the analysis of a rezoning application is much different from the evaluation of a plan amendment. There are other constraints we have in a rezoning application. So that’s where we are now and that’s where it’s going to stay. Lastly – was there a vote?

Vice Chairman de la Fe: Nope.

Commissioner Murphy: I’m sorry, go ahead.

Vice Chairman de la Fe: Yes, we have voted.

Commissioner Murphy: Yes.

Vice Chairman de la Fe: Didn’t we?

Commissioners: No.

Vice Chairman de la Fe: No, we did not. Okay. Any more discussion? Okay, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Mr. Murphy.

Commissioner Murphy: Lastly, Mr. Chairman, I recommended a number of general revisions to the Plan guidance for the entire Phase I study area. These revisions would reflect development that has occurred since the initial adoption of the Fairfax Center Area plan updating Tax Map

parcel numbers, adjusting sub-unit boundaries, and removing guidance regarding implemented public facilities and parks and recreation and land use options that are no longer feasible. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE ALL OTHER REVISIONS PROPOSED ON PAGES 31 TO 56 OF THE STAFF REPORT FOR PLAN AMENDMENTS 2013-III-FC1(A) AND S13-III-FC1, BE ADOPTED.

Commissioners Hedetniemi and Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Ms. Hedetniemi and Mr. Litzenberger. Any discussion? Yes, Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I do not disagree with the motion as written. I'd just like to add three specific points to enter into the record regarding the overall motion – all three of these put together. First, the need for connectivity must be stressed. That includes cell coverage, road connections, bus service, and potential Metro. Second, the report should elaborate why outlying area, such as the area south of Lee Highway, should remain in Fairfax Center – especially if it's to remain mostly residential. There should be better reasoning than simply to add more cash to the road fund. Third, discussion of the Fairfax Center checklist must be held as soon as possible. The checklist needs to be updated and revised with emphasis on what is merely a guideline and what is truly required.

Vice Chairman de la Fe: Okay. Any further discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Anything else, Mr. Murphy?

Commissioner Murphy: Yes, Mr. Chairman. Just a few words – this is the first go-around for our Fairfax Forward effort. And I know we're going to be looking at it and evaluating it I think some time in the not-to-distant future with the Policy and Procedures Committee. Also, as we transition into the other part of the Fairfax Center Area, where there are four magisterial districts – and we will probably get in the second phase more input from the other two districts that were not part of the first phase, which was the suburban section that is basically bordering Route 29. We have a long way to go with this process. I think we all have some comments as to how it can be improved. But I want to thank the staff who contributed immeasurably to this effort. And they're here tonight – a couple of them – Kim Rybold and Megan Van Dam, Tom Mercer – who's not here – and Tom Burke and Arpita Chatterjee from the Fairfax Office of Transportation – especially Megan and Kim. Thank you so much, especially putting up with me. I know that was an arduous task on some evenings and some days. But I think we made it and we're glad to see that you were able to survive all the meetings we had and it was a great public hearing. I also want to thank Marlae Shnare in Supervisor Herrity's office. She is my right hand when it comes to something like this and I really couldn't do all this stuff without her so thank you all very much.

Vice Chairman de la Fe: Mr. Chairman, thank you very much for all your work. And I associate myself with your comments about the staff and everyone else. As in any new process, there are – there is a learning curve and we have much to learn. Thank you very much.

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(Each motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

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### ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2014-SU-031 – MARY GRAY/ELF EXPLORING, LEARNING & FUN
2. SE 2014-PR-022 – ESKRIDGE II, LLC

This order was accepted without objection.

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SE 2014-SU-031 – MARY GRAY/ELF EXPLORING,  
LEARNING & FUN – Appl. under Sect. 6-105 of the Zoning Ordinance to permit a home child care facility. Located at 4180 Whitlow Pl., Chantilly, 20151, on approx. 4,228 sq. ft. of land zoned PDH-20 and WS. Tax Map 44-2 ((23)) 22. SULLY DISTRICT. PUBLIC HEARING

Mary Gray, Applicant/Title Owner, reaffirmed the affidavit dated March 3, 2014.

There were no disclosures by Commission members.

Commissioner Litzenberger asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this case.

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Chairman Murphy: Without objection – public hearing is closed. Recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. First, I want to thank Ms. Gray for coming out to both the Sully District Land Use Committees, the WFCCA and the SDC. Those two evenings, we had 27 different citizens within the total of those two and – as you can see by the large number of speakers – all their questions were answered by the staff and Ms. Gray. And I thank them for their extra effort in this area. Therefore, Mr. Chairman, I MOVE THE

PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-SU-031, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 20<sup>TH</sup>, 2014.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-031, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I think I have to bring her up to reaffirm-

Chairman Murphy: Oh yes, I'm sorry.

Commissioner Litzenberger: I forgot that.

Chairman Murphy: Would you please come up, Ms. Gray?

Commissioner Litzenberger: Thank you, Commissioner de la Fe.

Chairman Murphy: We'll take your word for it that you agree with everything we just said, right?

Mary Gray, Applicant/Title Owner: I do.

Chairman Murphy: But we need that for the record. Please identify yourself for the record and let Mr. Litzenberger ask you this key question.

Commissioner Litzenberger: Ms. Gray, do you accept and understand and support the development conditions, as agreed to in the staff report [sic].

Ms. Gray: I do.

Commissioner Litzenberger: Okay, thank you very much.

Ms. Gray: Thank you.

Chairman Murphy: I now pronounce you applicant and Planning Commissioner.

Commissioner de la Fe: Mr. Chairman?

Commissioner Hall: You have a question.

Commissioner Litzenberger: Ma'am.

Chairman Murphy: Yes, Mr. Hart?

Commissioner Hart: Not the development conditions in the staff report – the new ones.

Commissioner Litzenberger: The new ones. Thank you, Mr. Hart. I tried to get your attention. I made a mistake.

Chairman Murphy: Okay. First one since the third grade, right?

Commissioner Litzenberger: No, the first one since earlier this evening. The development conditions dated November 20<sup>th</sup>, 2014 – just nod yes, that would be good enough, Mrs. Gray. Thank you.

Chairman Murphy: Thank you very much.

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(The motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

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SE 2014-PR-022 – ESKRIDGE II, LLC – Appl. under Sects. 5-050 and 7-607 of the Zoning Ordinance to permit a drive-in financial institution and waiver of minimum lot width requirement in a highway corridor overlay district. Located at 8301 Lee Hwy., Fairfax, 22031, on approx. 41,886 sq. ft. of land zoned I-5 and HC. Tax Map 49-3 ((1)) 97 pt. PROVIDENCE DISTRICT. PUBLIC HEARING

Steven Teets, Applicant's Agent, Edens Limited Partnership, reaffirmed the affidavit dated November 7, 2014.

There were no disclosures by Commission members.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2014-PR-022.

Referring to the Special Exception Plat, as shown in the staff report, Commissioner Lawrence pointed out that Strawberry Lane would be incorporated into the access point for the subject property and an interparcel access point with the property to the west could be installed after this modification was made. He also noted that the installation of this interparcel access was not contingent on the redevelopment of the neighboring property, stating that this was delineated in Development Condition Number 14. In addition, Commissioner Lawrence said that he had met with the owner of the neighboring property regarding this development condition and indicated

that the owner was aware of the provisions in this condition. He added that this interparcel access would contribute to the grid of streets design that was being pursued for this area.

Mr. Teets described the history of the subject application, saying that the applicant had purchased the necessary parcels to complete the construction of Eskridge Road with the designs articulated in the Comprehensive Plan. He then explained that some of the parcels purchased by the applicant contained right-of-way, which required a realignment of the road, and indicated that this realignment included portions of the subject property. In addition, Mr. Teets pointed out that the curvature of the road and the presence of stormwater easements further hindered development options for the site, noting the difficulty of building over the stormwater easement. He said that the applicant had coordinated with staff, Commissioner Lawrence, and Providence District Supervisor Linda Smyth on possible developments for the subject property and it was determined that a drive-in financial institution was consistent with the character of the surrounding area. He also noted the importance of this portion of land in relation to the surrounding commercial development.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Chuck Pena, 2929 Eskridge Road, Suite S, Fairfax, representing Fairfax Cable Access Corporation d/b/a Fairfax Public Access (FCAC), stated that FCAC owned property near the site and voiced support for the proposal. He said that he had met with a representative from Supervisor Smyth's office on the proposal and indicated that his concerns had been sufficiently addressed. Mr. Pena expressed support for the architecture for the proposed drive-in financial institution, stating that it was consistent with the character of the surrounding development. He added that FCAC had helped inform the residents of the nearby condominiums of the proposal and no objections were expressed. In addition, Mr. Pena commended the efforts of the Commission and Supervisor Smyth in revitalizing the area around the subject property.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he called for a rebuttal statement from Mr. Teets, who declined.

Chairman Murphy called for concluding remarks from Mr. O'Donnell, who declined.

When Commissioner Lawrence asked about the applicant's efforts in pursuing green building policies, Mr. Teets pointed out that Development Condition Number 16 required the applicant to construct a LEED-certified building that was consistent with the County's requirements for similar buildings. In addition, he indicated that the applicant intended to exceed these standards. A discussion ensued between Commissioner Lawrence and Mr. Teets regarding the standards articulated in Development Condition Number 16 wherein Mr. Teets reiterated that the applicant intended to exceed these standards.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this case.

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Chairman Murphy: Public hearing is closed. Mr. Lawrence, please.

Commissioner Lawrence: Mr. Teets, would you please return to the podium. I have one more question to ask you.

Steven Teets, Applicants Agent, Edens Limited Partnership: Yes sir.

Commissioner Lawrence: Does the applicant agree to the development conditions now dated November 19<sup>th</sup>, 2014, for the-

Mr. Teets: Yes sir, for the additional – to allow that change to the interparcel access – absolutely.

Commissioner Lawrence: And all the others as well.

Mr. Teets: And all the other conditions, yes sir.

Chairman Murphy: Smart move.

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-PR-022, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED NOVEMBER 19<sup>TH</sup>, 2014.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-022, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: One more. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE LOADING SPACE REQUIREMENT.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Lawrence: Thank you very much, Mr. Chairman. Thank you to staff. Thank you to the applicant. It's been a long road.

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(Each motion carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.)

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The meeting was adjourned at 9:04 p.m.

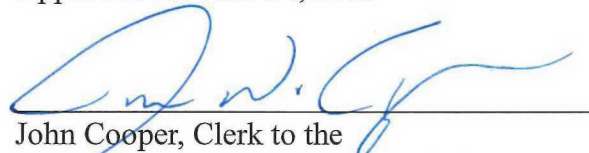
Peter F. Murphy, Chairman

Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,  
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: June 24, 2015



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John Cooper, Clerk to the  
Fairfax County Planning Commission